

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ERIK MARINES, INDIVIDUALLY,	§	
UNDER THE WRONGFUL DEATH ACT	§	
AND SURVIVAL STATUTE FOR THE	§	
DEATH OF ARTURO MARINES,	§	
DECEASED	§	
<i>Plaintiff,</i>	§	
	§	
V.	§	Civil Action No. 5:15-cv-608
	§	
TIGER TRANSPORTATION, INC.,	§	
AND MANDAIR KULDIP SINGH	§	
<i>Defendants.</i>	§	

**NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

COME NOW Defendants, Tiger Transportation, Inc., and Mandair Kuldip Singh, and file their Notice of Removal and would respectfully show unto the Court as follows:

**PROCEDURAL HISTORY**

1. Plaintiff filed suit in Cause No. 15-06-12630-DCV, in the 293rd Judicial District Court of Dimmit County, Texas on or about June 12, 2015. Defendant Tiger Transportation, Inc. was served on June 26, 2015, and filed a timely answer on July 17, 2015. Defendant Mandair Kuldip Singh accepted service and filed a timely answer on July 24, 2015.

2. Defendants have filed this Notice of Removal within the time period required by 28 U.S.C. § 1446(b).

**NATURE OF THE SUIT**

3. Plaintiff alleges that on or about May 18, 2015, he sustained damages as a result of a motor vehicle collision that occurred in Dimmit County, Texas.

4. According to Plaintiff's Original Petition, Plaintiff is a citizen of the State of Texas who resides in Val Verde County, Texas.

5. At the time of the filing of the Defendants' Notice of Removal, Plaintiff is a citizen of the State of Texas.

6. At the time of the subject accident, at the time of the filing of Plaintiff's Original Petition and at the time of the Defendants' Notice of Removal, Defendant Mandair Kuldip Singh was a citizen of the State of California, with a domicile at 16591 Darlington Street, Delhi, Merced County, California, 95315. (*See Exhibit A*, Affidavit of Kuldip Singh Mandair).

7. At the time of the subject accident, at the time of the filing of Plaintiff's Original Petition and at the time of the Defendants' Notice of Removal, Defendant Mandair Kuldip Singh was employed in California, maintained a checking and savings account in California, filed his Federal Income Tax returns in California, and paid taxes to the State of California. (*See Exhibit A*, Affidavit of Kuldip Singh Mandair).

8. According to Plaintiff's Original Petition, Defendant Tiger Transportation, Inc. is a company with its principal place of business at 12293 S. Fowler Avenue, Selma, California 93662.

9. At the time of the subject accident, at the time of the filing of Plaintiff's Original Petition and at the time of the Defendants' Notice of Removal, Defendant Tiger Transportation, Inc. was a company incorporated under the laws of the State of California and whose principal place of business is in the State of California. Defendant Tiger Transportation, Inc. maintains its citizenship in the State of California.

**BASIS FOR REMOVAL**

10. Removal is proper because there is complete diversity of citizenship between Plaintiff and Defendants.

11. Plaintiff is an individual who at the time of the subject accident, at the time the lawsuit was filed, and at the time of the Defendants' Notice of Removal was residing in Val Verde County, Texas and a citizen of the State of Texas.

12. Defendant Mandair Kuldip Singh is an individual who at the time of the subject accident, at the time the lawsuit was filed and at the time of the Defendants' Notice of Removal was a resident of Merced County, California and a citizen of the State of California. Further, at all relevant times, Defendant Mandair Kuldip Singh established his citizenship in the State of California by maintaining employment in the State of California, by maintaining a checking and savings account in Turlock, California and by filing both his State and Federal Income Tax returns in the State of California. (*See Exhibit A*, Affidavit of Kuldip Singh Mandair).

13. Defendant Tiger Transportation, Inc. is a company who at the time of the subject accident, at the time the lawsuit was filed and at the time of the Defendants' Notice of Removal was incorporated under the laws of the State of California, whose principal place of business was maintained in the State of California and whose citizenship was in the State of California.

14. The amount in controversy exceeds \$75,000.00, exclusive of interests, costs, and attorneys' fees.

**VENUE AND JURISDICTION**

15. Venue for this removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

16. This Court has jurisdiction of this action by virtue of the provisions of 28 U.S.C. § 1332 in that this is a case of diversity of citizenship between the parties with the amount in controversy exceeding \$75,000.00, exclusive of interest and costs.

**DEFENDANT'S NOTICE OF REMOVAL  
IS PROCEDURALLY CORRECT**

17. Defendants have attached to this notice all process, pleadings and orders filed in the state court action as required by 28 U.S.C. §1446(a). (*See Exhibit B*, Index of Matters Being Filed)

**JURY DEMAND**

18. Plaintiff made a demand for a jury trial in State District Court. Defendants Tiger Transportation, Inc. and Mandair Kuldip Singh also made a demand for a jury trial in State District Court.

**NOTICE TO STATE COURT**

19. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending.

Respectfully submitted,

**CASTAGNA SCOTT LLP**  
1120 S. Capital of Texas Highway  
Bldg. 2, Suite 270  
Austin, Texas 78746  
512/329-3290  
888/255-0132 (Facsimile)

By: /s/ Lynn S. Castagna  
Lynn S. Castagna  
State Bar No. 03980520  
Federal ID No. 21871  
[Lynn@texasdefense.com](mailto:Lynn@texasdefense.com)

**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing and has been sent via facsimile to the following:

**VIA FACSIMILE: 210/447-0501**

Mikal C. Watts  
Francisco Guerra, IV  
Jose G. "Joey" Gonzalez, Jr.  
Cesar Perez  
WATTS GUERRA, LLP  
4 Dominion Drive, Bldg. 3  
Suite 100  
San Antonio, Texas 78257

in accordance with the Federal Rules of Civil Procedure, on this 24th day of July, 2015.

/s/ Lynn S. Castagna  
Lynn S. Castagna